

November 13, 2006

**City of Milton-Freewater
City Council Minutes**

The Council of the City of Milton-Freewater met in regular session Monday, November 13, 2006 at 7:00 p.m. in the Albee Room of the Library.

The following members were present: Councilors Orrin Lyon, Brad Humbert, Keith Woods, Debbie Kelley and Steve Irving. Mayor Key was out of town.

Staff members present were City Manager Delphine Palmer, Assistant City Manager Linda Hall, Public Works Superintendent Dave Bradshaw, City Planner Gina Hartzheim, Police Chief Mike Gallaher, Community Development Supervisor Mike Watkins and Administrative Assistant Teresa Dutcher.

Citizens present were Dennis and Laura Nielson, Merle Sherman, Curtis Walter, Manfred Anliker, Jeff Anliker, Bob Humbert, Cheryl and Skip York, Steve and Cindy Timmons, Paul Seaquist and Ed Chesnut.

Press member present was Melanie Hall of the Valley Herald.

CONSENT CALENDAR ITEMS: The consent calendar items consisted of minutes from the October 23, 2006 city council meeting. Councilor Irving motioned to adopt the consent calendar item. Councilor Woods seconded the motion which passed unanimously.

NEW BUSINESS

PUBLIC HEARING, FINDINGS OF FACT AND ORDINANCE NO. 938

COMPREHENSIVE PLAN FOR PROPERTY LOCATED ON SOUTH MAIN ACROSS FROM S.E. 17TH, FROM INDUSTRIAL TO RESIDENTIAL.

Council President Debbie Kelley opened the hearing and summarized the rules for Public Hearing.

No ex parte contact was declared. Councilor Humbert announced that the person applying for the amendment is related, but does not have any right to monetary gain so reserved his right to vote on the issue.

President Kelley asked if notice of hearing had been published according to law. Assistant City Manager Linda Hall stated that this had been done. President Kelley then asked if there had been any written comments. Ms. Hall said there were none.

City Planner Gina Hartzheim stated this was the first of two hearings related to the same property. The property is located along South Main Street and is approximately a seven-acre parcel. The applicant initially filed for the amendment on this piece of property to allow for a housing development. His original plan and vision is for approximately 6,000 square foot lot sizes, but currently the only city zone that would allow for this is the R-3 zone, so applicant applied for a corresponding zone change to R-3 even though his intentions were to create lots larger than the minimum lot size in the R-3 zone. At the time

of the Planning Commission hearing on these two items, the initial recommendation was for the comprehensive plan amendment from industrial to residential, there was some concern expressed over the total number of units that could be built under the R-3 designation, so the hearing was continued on the zone change portion of this request. In the subsequent time there have been several meetings with the applicant, city staff and the engineer and applicant ultimately amended his request to change the zone to an R-2 and not an R-3. The Planning Commission acted upon that zone change and so are prepared for this presentation to the Council for a final decision on both requests. With regard to the subject property and its location in relationship to other zones near the subject property, zoning east of the property are currently R-3, and to the north and west, there is a mixture of industrial and commercial land, and to the south is a business park designation where a portion is owned by the City. The applicable criteria that relates to the comprehensive plan portion are several goals, with the housing goal, the economy goal, and also public facilities. There are two applicable policies in the housing code that discuss different types of housing to be provided by the different zoning codes and also by the single residential designation. It appears there are several undeveloped lots within the City and the R-2 zone allows for a variety of housing types. The public facilities goal relates to services that are easily provided to developing property. The applicable code provisions to amendments require several procedural issues: notice to property owners, notice in newspaper. Both were met as noted before. The last section discusses needs improperly or inadequately addressed by the present map regarding the industrial nature and designation of this specific property. The City's most recent inventory of industrial land did reflect a surplus of twenty-eight acres. With the adoption of the recent South Hill Neighborhood Master Plan last year, there was additional business park designations provided within the urban growth boundary because the business park designation allows for industrial use. A large portion of the business park is located on Highway 11 with access directly off from the highway. Also, another portion of that project has recently been certified by the state as "project ready" industrial. As a result, this particular small seven-acre parcel loses more of an attraction for a potential site for industrial development. Another aspect related to the industrial designation is reflected when in several years past an application was made for an industrial use on the subject property, and the neighboring residents, especially in the residential portion directly across the street from the subject property, vocalized their opposition. Planning Commission did recommend a comprehensive plan amendment from industrial to residential on this property.

Bob Humbert, 1860 S. Main, stated he would like to build some houses. If the zone is changed to R-2, Mr. Humbert stated he would like something in writing as he did not know how fast the records would be in place. Mr. Humbert further stated he did not want to be excluded from the property after a zone change as he is currently considered an industrial business. Councilor Kelley asked how that would be handled and Ms. Hartzheim stated he would be considered a grandfather right as long as he did not discontinue his business.

Councilor Kelley invited those in support of the application to address the Council. There were none.

Councilor Kelley then invited those in opposition of the application to address the Council. Laura Nielson, 1702 Bryant Avenue, Walla Walla Washington and owner of Trails West RV Park next to Mr. Humbert's business and wanted to address the ingress and egress of

parcel number three. Ms. Neilson showed a map to the Council depicting an easement from Highway 11 through Trails West RV Park to parcel two of partition plat 1992-23. Mr. Humbert has a business on parcel plat number two. However, there is no easement through Trails West RV Park from Highway 11 to parcel number three, the site of the proposed subdivision. Mr. Humbert has allowed his employees to illegally use the easement to parcel number two to get from Highway 11 to parcel number three and back. Mr. Humbert and his employees drive loaded dump trucks through the middle of the RV Park across parcel number two and enter parcel number three. They pull semi-trailers loaded with hydro-hose, full-size Caterpillar© equipment and large forklifts over the pavement in the RV Park grinding the pavement. Recently, Ms. Nielson said she had spoken to Mr. Humbert to ask him to stop illegally crossing into parcel number three via the easement through the RV Park and to create a road for ingress and egress to parcel number three. Ms. Nielson said that Mr. Humbert stated that would be too much trouble and it wouldn't happen and further informed Ms. Nielson that they would probably have to overlay the pavement in the RV Park by next summer, which is the same pavement Mr. Humbert drives his heavy equipment over. Given the disregard he has shown for the limited easement that he has through the RV Park, Ms. Nielson stated there is no reason to believe he would change in the future. If the Council approves the construction of houses on parcel number three, we expect even heavier traffic crossing illegally from parcel three through parcel two through the RV Park and out onto the highway. After failing to find a friendly solution with their neighbor, Ms. Nielson stated she felt she had no choice but to ask the Council to deny the request. Under the circumstances it is felt there are a few options that may salvage the project. Once approved, how would the Council control the project? Ms. Nielson asked how her rights would be protected. Ms. Neilson then stated that should the Council forge ahead by approving this subdivision, Ms. Nielson asked that Mr. Humbert be required by the Council to build a road for ingress and egress in place to parcel number three before any work begins on subdividing. Absolutely no work should proceed until that road is in place. Ms. Nielson also requested that Mr. Humbert stop the illegal use of the easement through the RV Park to get to and from parcel number three, and that a permanent solution be accomplished by having a barrier built between those two parcels. During the past six years there has been nothing done to control the dust on this property. None or little gravel has been laid down for roads and large trucks that continue to drive back and forth from parcel three to parcel two over the RV Park easement onto the highway. During the summer the property turns to a powdery dust, and when the wind blows it becomes so thick you can't see in front of you. So the question, how will dust be controlled during this project? There is a lot of noise coming from this property from 7:00 a.m. until quitting time. The workers are trying to get cast projects out of molds. How will you [the City] ensure the noise stops when people begin to live in the proposed homes?

Councilor Humbert initiated a discussion to determine where the easements existed and who had the easements. Council President Kelley asked Ms. Hartzheim to clarify the two parcels and their easements. Ms. Hartzheim stated the access to parcel three is proposed to be an extension of Key Boulevard and would double-back out Key Boulevard and connect onsite. Assistant City Manager Linda Hall asked if this would be a condition of the development. Ms. Hartzheim stated that the developer would have to construct a public street system and typically, this is the first thing provided in a development.

Council President Kelley said there were two issues being discussed and the issue with parcel two may need to be discussed at a separate time. Ms. Hall stated this issue had been resolved from the preliminary discussions with the planning department and will be a condition of his development, which will be addressed if this zone is approved by the Council this evening.

Council President Kelley invited those who spoke in support to speak in rebuttal to those who spoke in opposition. Mr. Humbert stated he understood that the road system would have to be constructed first.

Council President Kelley invited those who spoke in opposition to speak in rebuttal to those who spoke in support. There were none.

Councilor President Kelley declared the hearing closed.

Councilor Woods motioned to adopt findings of fact supporting adoption of Comprehensive Plan map amendment. Councilor Irving seconded the motion which passed unanimously.

Councilor Humbert moved Ordinance No. 938, be introduced by title only and full reading waived. Councilor Woods seconded and a roll call vote was taken: Councilor Lyon, yea, Councilor Humbert, yea, Councilor Woods, yea, Councilor Kelley, yea, and Councilor Irving, yea. Motion carried unanimously. The City Manager then read the ordinance by title only. Councilor Humbert moved for second reading of Ordinance No. 938 be by title only and full reading waived. Councilor Woods seconded and the motion carried unanimously. The City Manager read the ordinance by title only. Councilor Humbert moved to adopt Ordinance No. 938. Councilor Lyon seconded and a roll call vote was taken: Councilor Lyon, yea, Councilor Humbert, yea, Councilor Woods, yea, Councilor Kelley, yea, and Councilor Irving, yea.

PUBLIC HEARING, FINDINGS OF FACT AND ORDINANCE NO. 939 AMENDING ZONING MAP FOR PROPERTY LOCATED ON SOUTH MAIN ACROSS FROM S.E. 17TH, FROM I-M TO R-2.

Council President Debbie Kelley opened the hearing and summarized the rules for Public Hearing.

No ex parte contact was declared. Councilor Humbert announced that the person applying for the amendment is related, but that he does not have any right to monetary gain so reserved his right to vote on the issue.

President Kelley asked if notice of hearing had been published according to law. Assistant City Manager Linda Hall stated that this had been done. President Kelley then asked if there had been any written comments. Ms. Hall said there were none.

City Planner Gina Hartzheim stated this part of the hearing relates to the adoption of amendment to the Zoning map from I-M to R-2. R-2 is the City's medium density residential zone with a minimum lot size 7,500 square feet. The original request for R-3

was amended to an R-2 zoning designation after applicant researched and determined the minimum lot size would be 7,500 square feet. The R-2 zone provides for a variety of housing types and satisfies the policy that the implementing codes would provide for such things as single family, modular, manufactured homes, condominiums or planned units. Sufficient acreage will be provided for all needed housing types. Even though there is a large amount of R-2 zone apparently located within the urban growth boundary, in looking at available and readily developable land, this property is located to existing infrastructure so developing a large extension of public utilities would be prevented. The Planning Commission unanimously recommended a zone change from I-M to R-2.

Council President Kelley invited applicant to speak. Mr. Humbert stated he just wanted to develop this property.

Council President Kelley invited those in support to speak. None approached council.

Council President Kelley invited those in opposition to speak. None approached council.

Council President Kelley declared the hearing closed.

Councilor Humbert moved to adopt findings of fact supporting adoption of Zoning map amendment. Councilor Woods seconded the motion which passed unanimously.

Councilor Woods moved Ordinance No. 939, be introduced by title only and full reading waived. Councilor Humbert seconded and a roll call vote was taken: Councilor Lyon, yea, Councilor Humbert, yea, Councilor Woods, yea, Councilor Kelley, yea, and Councilor Irving, yea. Motion carried unanimously. The City Manager then read the ordinance by title only. Councilor Woods moved for second reading of Ordinance No. 939 be by title only and full reading waived. Councilor Lyon seconded and the motion carried unanimously. The City Manager read the ordinance by title only. Councilor Woods moved to adopt Ordinance No. 939. Councilor Irving seconded and a roll call vote was taken: Councilor Lyon, yea, Councilor Humbert, yea, Councilor Woods, yea, Councilor Kelley, yea, and Councilor Irving, yea.

CONSIDERATION OF AMENDMENT OF LEASE AGREEMENT FOR COMMUNITY BUILDING WITH M-F AREA CHAMBER OF COMMERCE. City Manager Delphine reported that the City received a request from the M-F Area Chamber of Commerce (Chamber) to amend the lease agreement for the management of the Community Building. As background, there has been a long history of contracting with the Chamber to manage the community building and prior to 1996, the agreement basically stated the Chamber received a flat-rate management fee and then collected \$400 monthly in addition, but any revenues above that came back to the City. After 1996, the City paid a management fee along with all fees from rental revenues to the Chamber. The Chamber is currently moving into new office space at the Community Schools Plus Credit Union, and they would like to modify the existing agreement by making the City responsible for all utility costs, all major and minor repairs, and all operational building supplies. They are proposing to eliminate the management fee, but propose to continue to retain all rental fees and the Chamber will continue to be responsible for janitorial services and rental arrangements and management. One thing said by City Attorney Doug Hojem is that the

agreement is not a lease agreement and the agreement should be a *Property Management* agreement. Using the 2005 Calendar accounting reports and under the current agreement, the City receives \$0.00 in revenues with expenditures of \$22,829.00. Under the new proposal, the City would receive \$0.00 in revenues with expenditures of \$35,000. Under the current agreement for the Chamber, revenues would be \$23,000 with expenditures of \$18,000 and under the new proposal, the Chamber's revenues may be \$35,000 with expenditures of \$5,900.

Councilor Humbert stated he did not recognize any benefit to the tax payer. He further said he did not want to be negative, pro-City and non-business, but there is just no benefit to the taxpayer and as a city councilor is obligated to watch every dollar the City spends.

Jon McFarland, Chamber Director, stated he appreciated the previous comments and said he looked at the same set of figures, but did not have the same results. Mr. McFarland then thanked City Manager Delphine Palmer and the people that showed up on Monday and Tuesday of last week and did a massive clean-up. There have been many beautiful things happening to the building the last three or four weeks, but none more lovely than what occurred last Monday and Tuesday. Because of their efforts on those two nights, the Saager Shoe Sale was held as scheduled and it was their finest sales day ever. The same thing happened on Saturday with the Mary Stewart Craft Show. Mr. McFarland stated there were no *honey buckets* within the Chamber. On the asset page there is a \$10,000 plus \$400 CD with the bank. There is also about \$1,300 as a backup to Muddy Frogwater. Those items are there because the Chamber may or may not have a successful Muddy Frogwater event. The Chamber's budget has always been cyclic.

Councilor Humbert interrupted and stated he did not have this information in front of him and asked if Mr. McFarland had a copy. Mr. McFarland said he could get this for him, but with the move, did not have the opportunity to type and reproduce. Councilor Humbert said without the information, it is difficult to understand. Mr. McFarland said he wasn't quite sure what was presented to the Council. Mr. McFarland stated, "The financial data was reviewed by others, other than myself." Councilor Humbert said the only financial data he had was data provided by city staff that shows the Chamber receives from the City or management fees, rental fees and then what the City's expenses are and what the Chamber's expenses are; that there is a spreadsheet with that information under the proposal. Councilor Humbert stated that if Mr. McFarland had financial information that can be provided to the Council that would make more sense than what has already been provided, Councilor Humbert said he would be more than happy to review that.

Mr. McFarland stated it may be possible, but he did not know where the \$35,000 came from. The reason why Mr. McFarland said he was hesitant is because when he went through the budget figures, the City's expenses were not \$35,000 annually, but instead \$17,000. Councilor Humbert said this was correct for the current year and agreement. Mr. McFarland said he did not consider what the Public Works department incurred as he did not know this amount. All he figured was money the Chamber spends out of the funds the Chamber puts together out of the management fees plus the rental fees. These are the only funds the Chamber budget deals with. Mr. McFarland said he did not know what was added into that from the Public Works. Councilor Humbert said he had not seen the Chamber's budget—nobody has provided it and Councilor Humbert stated he had asked

for it and can't get it. Councilor Humbert again said if he could get this information, he would be more than happy to review it. Mr. McFarland said he was not prepared because he thought the Council would be presented with the Chamber's budget.

Councilor Kelley stated that the Council was given management, membership fees, waived event fees, building rent, repairs and maintenance, utilities, insurance, janitorial service, supplies, program expense and labor.

City Manager Delphine Palmer asked Administrative Assistant Teresa Dutcher to explain how she arrived at the dollar figures presented to the Council. Ms. Palmer stated that Ms. Dutcher had spent a lot of time trying to reconcile the material that was given the City.

Ms. Dutcher stated the City had asked Mr. McFarland to submit his financials, and there was a great deal of time going through these. Not being familiar with them, it provided a challenge. Having several different reports to work from provided a challenge. Ms. Dutcher said that for the City of Milton-Freewater expenditures, all information was taken from the City's Caselle software accounting system used by the City. That information is directly from the City's records. Ms. Dutcher stated she knew that the City had expended more than \$11,000 in management fees, \$683 for membership fees, repairs and maintenance, etc. These figures are exact expenditures, not budgeted figures, based on the calendar year of 2005. The Chamber's records are from their expense accounts on the building. The Chamber's revenues from the City were transferred from the City's expenditures. The building rent on the proposed spreadsheet was calculated from the proposal to double fees. For simplicity, the rates were doubled. Rents are an unknown variable, but this is where the \$35,000 is calculated.

Councilor Humbert asked that Mr. McFarland be provided a copy of the spreadsheet that was being discussed.

Mr. McFarland stated he would take full responsibility, but went on to say his presentation was to concentrate on the building itself, not rent, because we have not started to charge yet because we don't know where that's going. That may be doubled—it may not. That's speculation. What we are trying to deal with are those things from 2005 and 2006, dealing with the building rental and management fees, etcetera that pertains to the building alone. Mr. McFarland said he could see where the City added in dues and that was not being considered, because the Chamber dealt with the building and the building alone and what we could do with the management fees and what we could do without changing the additions that the City is putting in now as far as the building is concerned, strictly is building management and operational, and what those would mean for the future. Basically I have to say that I'm not prepared to do that tonight. I have those budgets and those things are easy to obtain, but I did not bring them. What I would request from the City Manager's office is to carry on as we are and come back at a future date when I could provide those things and compare them and I guess work with Ms. Dutcher so the differences between what she has provided the Council and what the Chamber would have provided the Council and the reason why. What I was trying to do is limit it down to the building itself so we could be dealing with hard core facts.

Councilor Kelley stated it was her understanding the City had requested, and has the right to request, the entire set of books regularly, and if we had all that information, we would have had it tonight. Mr. McFarland stated it was requested by Dave Richmond, City Finance Director from the office of Virginia Bowles Inc. Ms. Palmer said the information from the accountant was taken by Ms. Dutcher to calculate the information given to the Council. This is from both the City's records and the Chamber's records. Mr. McFarland said he was not taking exception to what was presented; it just goes beyond what was in the Chamber's budget, such as insurance. Actually it is the second chart that there is a problem. Councilor Humbert went over each figure on both spreadsheets.

Mr. McFarland said he now understood the information on the spreadsheets provided to the Council.

Councilor Humbert stated that with the information provided from both the City and the Chamber's records, he could not consciously do this to the taxpayers of the City of Milton-Freewater. Councilor Humbert further said if Mr. McFarland had more information that the Council does not have and is willing to submit that information to the City, he may be all for the proposal. But with the information from the Chamber currently, there is no way. Mr. McFarland said he fully appreciates that and takes full responsibility for it. Mr. McFarland said he can see where Ms. Dutcher was going with this, but it was before he could present the Chamber information or withdraw the Chamber information and said he thought he should get together with Ms. Dutcher in the City Manager's office to see exactly what Ms. Dutcher was looking at because while Mr. McFarland said he was calculating, he never came up with \$35,000 for the Chamber.

Councilor Kelley said that even if the rental fees were not doubled, there would still be a revenue for the Chamber of approximately \$24,000 and the City's expenditures are \$35,000 under the proposal. This is taxpayer dollars. Not business dollars, not Chamber dollars, but taxpayer dollars and as such would expect to see a more fair or equitable proposal. Mr. McFarland stated that based on the information council received, he understood and until he had an opportunity to find where the figures were received, he may have to retract, but was concentrating strictly from the Chamber's budget and the material the Chamber has. Basically, the profit and loss report for the building itself, which is part of what Ms. Dutcher was reviewing.

Councilor Humbert asked Mr. McFarland if he would be willing to make the Chamber records available to all the councilors tomorrow. Mr. McFarland said, "Sure" and did not see why not. Mr. McFarland said the records are with the bookkeeper. Councilor Humbert said that as long as they would be available, he would like to review them to ensure the City's facts are correct, and would want to make the right decision. Mr. McFarland said he appreciated that and further said that anybody can make mistakes based upon how this report was done.

Councilor Woods asked Mr. McFarland if he felt the contract seemed reasonable; that the Chamber would receive all of the revenues and the City would receive the majority of the expenses. If the Chamber would have proposed that there was revenue "X" and then subtracted all of the expenses, the Chamber would keep a net portion of the revenues making it a net \$0.00 to the City so it did not cost the City, the rental fees for a public

building (the community building is a public building) would offset the cost to maintain the public building. Utilities is a rational cost to associate with the building, but to have the citizens at large pay the utility bill to heat the building and then take all the rents from the private events where a few enjoy themselves, but the citizens get to pay the utility bill. That's how Councilor Woods said he saw the picture and it does not seem reasonable. But if the City took the rents from the rental of a public building and then the City would pay for the utilities, the maintenance, and then if the City should choose to give the remaining portion in addition to management, then that's a different decision. But to say citizens at large should cover the utilities, so that someone can have their personal celebration, and then the Chamber can enjoy use of all rents, doesn't seem quite reasonable. It may be possible we are reading the books wrong.

Councilor Woods said he thought the Council was going to press forward and review the Chamber's records. Councilor Humbert said this was a decision for the entire council, but that he wanted access to everything needed to make an intelligent decision, not hodge-podge. Councilor Humbert stated emphatically he wanted to see everything, the total amount of books, the rents, expenditures, etc. He further said he knows what the City has on the books as he can read them clearly. It's well defined and easy to read. Councilor Humbert stated he needed to know he was not giving private sector money from the taxpayers and the taxpayers not receiving any benefit, and the taxpayers are actually paying more than covering the cost. When taxpayers are paying the bill, they need to have someone looking after their dollars.

Mr. McFarland said that in all honesty, he felt he was doing the same thing [watching after the taxpayer's money].

Councilor Kelley said that the way the agreement is written now, the City allows 100% of the profits to be used by the Chamber. She said she was not in agreement to continue with the current agreement and motioned that the Council institute the sixty-day termination portion in the current agreement and take into consideration the discussion to review the records and examining other options to see what options we have to be better stewards with the taxpayers money regarding the community building. Councilor Woods asked if the sixty-days would begin immediately, and then what would be proposed for management thereafter. Councilor Kelley said the sixty-days would begin now and that management will be discussed over the next sixty days. Councilor Irving stated he was a Chamber board member and if anyone finds a conflict, he would abstain from the vote. Councilor Kelley asked if there were any objections to have Councilor Irving vote on the Chamber issue this evening. There were none. Councilor Humbert seconded the motion which passed unanimously.

Mr. McFarland asked that council consider leniency to continue having all the many programs the Chamber has in the community building without additional cost, and also that the Chamber be allowed to use the storage area.

Councilor Kelley said these would not be considered in this motion, but there will be many considerations when the Council reviews everything in its entirety.

Councilor Humbert stated the entire Chamber books need to be reviewed to know exactly what is going on, and then if council so chooses to enter into an agreement with the Chamber, a new agreement will be written to ensure the taxpayer's expenses are covered in the new agreement. He further said he was not opposed to having the Chamber manage the building, but am opposed to having the taxpayers pay the bills and only one entity reaping the rewards. From what can be seen thus far, the current agreement is lopsided. Councilor Humbert then asked Paul Seaquist of Century 21 what a reasonable management fee would be in the private sector. Mr. Seaquist stated that 10% of the gross revenue is common.

BID AWARD WATER MAIN MATERIALS. Public Works Superintendent Dave Bradshaw stated this is a bid for materials to build the water main on N.W. 8th Avenue from Lamb Street West. Originally, prices were received that were beyond the City's budget, so the bid was re-written and mailed out to local suppliers and advertised as well. Two bids were received and staff recommendation is to award the bid to National Waterworks of Pasco, Washington for \$34,587.88. It is planned to do the work in house.

Councilor Kelley asked if the prices were in the mid-range as expected. Mr. Bradshaw stated they were a bit higher. Councilor Humbert asked if the bid list of materials was put out to each one. Mr. Bradshaw said the list of specific materials was in the bid packet. Councilor Lyon asked if the bid covered about 6,500 feet. Mr. Bradshaw said he did not know the exact footage, but the water main will run from Brinker's Brothers to the Rotary field.

Councilor Humbert motioned to award Contract 206, 2006 NW 8th Avenue Water Main materials to National Waterworks in the amount of \$34,587.88. Councilor Lyon seconded the motion which passed unanimously.

Council President Kelley then announced this was the opportunity for citizens to approach the council with issues not on this agenda.

Manford Anliker, stated he had a concern as to how citizens might work in concert together with problems and concerns of drugs and theft going on our community. The local high school held a program regarding methamphetamine and the influx of this problem in our county and city. Mr. Anliker suggested getting together with several organizations to obtain federal funds to make some changes. He said he would like for community based organizations to be proactive in this one cause.

City Manager Delphine Palmer stated that approximately three years ago, letters were written to senators, senators came to the City, representatives came, letters were written to the governor. The criminal justice program here is nick-named the "hug and release" program. There are actual methamphetamine users within the City that have been arrested as many as thirty times in a ten-month period. The same offenders are arrested over and over. Many times these people are back before our officers can complete the complex reports. The problem was better when the schools supported the Resource Officer. Our City is the smallest city to dedicate one, full-time officer to the B.E.N.T. Team (drug enforcement team) because we believe it is so important. The officers are extremely disappointed in their efforts to fight this issue.

A discussion ensued.

Jeff Anliker, 325 Broadway, stated he had just recently moved back to Milton-Freewater after being gone sixteen years. Mr. Anliker said he recently had an experience where two young people were trying to steal from him in broad daylight, and was not even concerned when they were seen. He would like to see a community-wide effort to discourage this type of behavior and said he would like to be a part of that effort. Mr. Anliker said he had worked in a drug crisis center in Redmond, Oregon.

Councilor Kelley asked what the difference is with the laws in Redmond versus Milton-Freewater, and how the laws were enforced. Mr. Anliker said he moved to Redmond about eight years ago when their population was only about 8,000 and now it's about 22,000. Even though there is a lot of drug use in this area, the community at large is watching and this has pushed thieves in outlying areas. Councilor Kelley continued saying she would like to promote a community watch again. Mr. Anliker said he would like to be involved in that as well.

Police Chief Mike Gallaher said he was directly involved in establishing the SRO (School Resource Officer) program several years prior and actively involved in working with the management at Orchard Home. With regard to the reputation of our community, Chief Gallaher stated he had substantial connections with the communities of Walla Walla, Pendleton and some in Hermiston, and Chief Gallaher stated Milton-Freewater was in "pretty darn good shape!" Chief Gallaher said he was in support of Mr. Jeff Anliker's offer to be involved and supports the efforts to have community involvement.

Councilor Kelley said that where she works in Washington, they have an option B. If you are found guilty and go through treatment successfully and don't commit any more crimes, then they do not do any jail time. She said this was the leverage to be had in Washington, but did not know where or how enforcement was handled in Oregon. Chief Gallaher said the laws are in place in Oregon, but there is a state-wide mandate to the court systems that causes no prison time, partly due to prison population problems.

Councilor Woods asked if some of the multiple convictions could be bumped up to a federal level. Chief Gallaher said when a felon is caught with a firearm—that becomes a federal violation, but there were only a few last year. Portland Federal Court prosecutes these cases.

Councilor Lyon asked about curfews, stating he had kids walking by his home after midnight. The City goes by Oregon curfew which states anyone under the age of 18 cannot be out from midnight to 5:00 a.m.

Councilor Kelley said this would be worth getting together and discussing, and will do so with other councilors and Chief Gallaher.

COUNCIL ANNOUNCEMENTS

Councilor Humbert congratulated Ed Chesnut for his recent victory in the elections. He said Mr. Chesnut would do a very good job seated on the Council.

There being no further business, the meeting was adjourned at 8:52 p.m.

Lewis S. Key, Mayor